



WHEREFORE, the Parties hereby move this Court for an Order (1) preliminarily approving the terms of the Settlement as set forth in the Settlement Agreement; (2) approving the form of notice and the method of providing notice of the Settlement to the Class as set forth in the Settlement Agreement, and directing that said form of notice be provided to Class Members in that manner; and (3) scheduling a Final Settlement Hearing at which the request for final approval of the proposed Settlement, Plaintiffs' Counsels' application for an award of attorneys' fees and costs, and for the entry of the Final Judgment and Order will be considered. A proposed Order Preliminarily Approving the Class Settlement, Directing the Issuance of Notice to the Class and Scheduling a Settlement Hearing is attached to the Settlement Agreement as Exhibit "A."

Respectfully Submitted,

/s/ Bruce Carlson

R. Bruce Carlson, Esquire

PA56657

bcarlson@carlsonlynch.com

Gary F. Lynch, Esquire

PA56887

glynch@carlsonlynch.com

CARLSON LYNCH LTD

231 Melville Lane

P.O. Box 367

Sewickley, PA 15143

(p) (412) 749-1677

(f) (412) 749-1686

Attorneys for Plaintiffs

John A. Straka, III

Pa. I.D. No. 58715

john@deedlaw.com

STRAKA & GUSTINE

435 Beaver Street

Sewickley, PA 15143

(412) 741-6000

Counsel for Defendant